

ORDINANCE NO. 2020 - 01

**AN ORDINANCE AMENDING CHAPTER 4-1-6 OF THE CODE OF ORDINANCES OF
THE TOWN OF TERRY, MONTANA**

WHEREAS, pursuant to Mont. Code Ann. § 7-5-4104 the Town Council has the power to define and abate nuisances and impose fines upon persons guilty of creating, continuing, or suffering a nuisance to exist on the premises that they occupy or control; and

WHEREAS, the Town Council has determined that it is necessary to amend Chapter 4-1-6 pertaining to nuisances to better define the penalties for persons guilty of creating, continuing, or suffering a nuisance to exist on the premises that they occupy or control.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF TERRY, MONTANA, that Chapter 4-1-6 is amended as follows:

Chapter 4-1-6: PENALTY:

A. Unless otherwise specified by the provisions of this chapter, any person who violates the provisions of this chapter shall be deemed guilty of creating and maintaining a public nuisance, and upon conviction thereof, shall be punishable by a fine for the first offense of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) or by imprisonment for a term not to exceed six (6) months, or both. The second offense shall be punishable by a fine of not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00) or by imprisonment for a term not to exceed six (6) months, or both. A third or subsequent offense shall be punishable by a fine of five hundred dollars (\$500.00) or by imprisonment for a term not to exceed six (6) months, or both.

B. Each day of failure to comply with the provisions of this chapter shall constitute a separate offense. (Ord. 2015-08, 8-12-2015).

C. If a person found guilty of a Public Nuisance under this part fails to pay any penalty under section A above, the penalty and the cost of abatement shall be assessed against the person's taxes.

DATE OF EFFECT:

This ordinance shall take effect thirty (30) days from the date of its final passage by the Town Council.

FIRST READING AND PASSAGE by a majority vote of the members present this 11th day of June, 2020.

YEAS 2

NAYS 1

Bolane Gustofferson
Mayor

ATTEST:

Z. Sully
Town Clerk

POSTED IN THREE (3) PUBLIC PLACES AND MADE AVAILABLE TO THE PUBLIC this 19th day of June, 2020.

Z. Sully
Town Clerk

SECOND READING AND PASSAGE by a majority vote of the members present this _____ day of _____, 2020.

YEAS _____

NAYS _____

Mayor

ATTEST:

Town Clerk